

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

George A. Prutting, Jr.
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Attorneys for Defendant Scottsdale Insurance Company

RIALTO-CAPITOL CONDOMINIUM	:	CIVIL ACTION NO.
	:	
	:	
Plaintiff	:	
v.	:	
	:	
BURLINGTON INSURANCE COMPANY,	:	DOCUMENT FILED ELECTRONICALLY
AND SCOTTSDALE INSURANCE	:	
	:	
Defendants	:	

RIALTO-CAPITOL CONDOMINIUM	:	SUPERIOR COURT OF NEW JERSEY
ASSOCIATION, INC.	:	HUDSON COUNTY
	:	LAW DIVISION
Plaintiff	:	DOCKET NO. HUD-L-1389-19
	:	
v.	:	CIVIL ACTION
	:	
BURLINGTON INSURANCE COMPANY	:	
and SCOTTSDALE INSURANCE	:	
COMPANY,	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF NEW JERSEY:

Defendant, Scottsdale Insurance Company, by and through
its attorney, George A. Prutting, Jr., Esquire, hereby
removes the above-captioned case to this Honorable Court and
provides notice of the same to counsel representing the

plaintiff. In support of the removal, the defendant avers as follows:

1. That on May 2, 2019, the Plaintiff's Complaint in the above-captioned matter was served upon the defendant Scottsdale Insurance Company. (See copy of the proof of service and Complaint attached collectively hereto as Exhibit "A".)

2. The plaintiff Rialto-Capitol Condominium Association, Inc. is a New Jersey, nonprofit corporation with its principal office located at 4 Beacon Way, Jersey City, Hudson County, New Jersey 07304, and defendant herein believes that the plaintiff is a citizen of the State of New Jersey.

3. The defendant, Scottsdale Insurance Company is incorporated in the State of Ohio with its principal place of business located at 8877 North Gainey Center Drive, Scottsdale, Arizona 85258-2108.

4. The defendant, Burlington Insurance Company is incorporated in the State of Illinois with its principal place of business located at 185 Asylum St., City Place II, 7th floor, Hartford, Hartford County, Connecticut 06103

5. The plaintiff administers, manages and operates the common elements and common affairs of the property known as the Rialto-Capitol condominium complex located at 4 Beacon

Way, Jersey City, NJ 07304 which premises were subject to conversion and renovation from the former Jersey City Medical Center to 315 individual condominiums.

5. Plaintiff brought suit against the developer and contractors involved in the conversion/renovation of the premises for alleged construction defects and resulting damages.

6. One of the contractor defendants, CCC Renovation, Inc. allegedly performed work on the façade of the building and suit was brought against it and a consent judgment was entered against it

5. Defendant, Scottsdale Insurance Company, issued a series of three commercial excess liability policies to CCC Renovation, Inc. to wit: 11/16/2012-7/1/2013 \$5 million CSL; 7/1/2013-7/1/2014 \$5 million CSL; and 7/1/2014-7/1/2015 \$4 million CSL.

6. Defendant, Burlington Insurance Company, issued a series of three commercial liability policies to CCC Renovation, Inc. to wit: 7/1/2011-7/1/2012 \$1 million/\$2 million, split limits; 7/1/2012-7/1/2013 \$1 million/\$2 million split limits; and 7/1/2013-7/1/2014 \$1 million/\$2 million split limits.

7. Plaintiff and CCC Renovation, Inc. entered into a consent judgment whereby CCC Renovation, Inc. permitted the

taking of a \$5 million consent judgment against it and assigning over all its rights, interests, claims and/or causes of action in the aforementioned policies of insurance issued by Scottsdale Insurance Company and Burlington Insurance Company to the plaintiffs in exchange for no further personal liability or exposure.

8. Plaintiffs have now filed suit alleging declaratory judgment, breach of contract and breach of covenant of good faith and fair dealing for a ruling of legal entitlement to the indemnity of the policy limits on the aforementioned policies issued by Scottsdale Insurance Company and Burlington Insurance Company, enforcement of the consent judgment along with claims consequential, incidental and punitive damages along with attorney's fees and costs.

9. Both Scottsdale Insurance Company and Burlington Insurance Company consent and agree to the removal of this matter to the New Jersey federal district court from the Superior Court of New Jersey, Law Division for Hudson County.

10. The above-described Civil Action is one in which this Honorable Court has original jurisdiction pursuant to Title 28 United States Code Section 1332 based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00 and is accordingly one which may be removed to

this Honorable Court by Notice pursuant to Title 28 United States Code Section 1441.

WHEREFORE, the defendant prays that the above action now pending in the Superior Court of New Jersey, Law Division for Ocean County to be removed to this Court.

PRUTTING & LOMBARDI

BY: *S/ George A. Prutting, Jr.*
GEORGE A. PRUTTING, JR.

May 22, 2019